

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

UNITED STATES OF AMERICA,)
v.) Case No. 1:07CR00019
)
)
)
)
JOEY FRANKLIN PHILLIPS,)
Defendant.)
)
) By: James P. Jones
) Chief United States District Judge
)

For the reasons set forth in the Opinion accompanying this Final Order, it is
ORDERED that the Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28
U.S.C.A. § 2255 is hereby DENIED.

Based on the court's finding that the defendant has not made the requisite
showing of denial of a substantial right, a Certificate of Appealability is DENIED.

ENTER: October 22, 2009

/s/ JAMES P. JONES
Chief United States District Judge